

Application No. 10/716,257
Response to OA of 12/08/2005

Remarks

In the present response, no claims are amended. Claims 5, 8, and 13 are withdrawn.

I. Specification

Paragraph [0015] is amended to correct a typographical error.

II. Claims Rejection: 35 USC § 102(b)

Claims 1-4, 6, 7, 9-12, and 14 are rejected under 35 USC § 102(b) as being anticipated by USPN 4,709,873 (Smith). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Smith neither teaches nor suggests each element in the claims, these claims are allowable over Smith.

Claim 1

Claim 1 recites numerous limitations that are not taught or suggested in Smith. By way of example, claim 1 recites that the hub and the guide member "cooperate to form a surface for receiving the magnetic tape" (emphasis added). In other words, both the hub and the guide member form a surface. Nowhere does Smith teach or suggest this recitation.

In the Office Action, the Examiner associates element 16 (i.e., the threader pin) with the claimed guide member. Element 16 in Smith, however, does not cooperate with the hub "to form a surface for receiving the magnetic tape." Smith expressly teaches that "the main purpose of our device 19d is to receive and locate a threader pin 16 at the axis of rotation 35A of the take-up reel 19" (5: 15-17). The axis of rotation extends through the interior of the hub 19A, nowhere near the surface of the hub. As shown in FIGS. 1 and 2, threader pin 16 enters slot 11 and stops at point 100 so the threader pin is at the axis of rotation 35 (see 5: 43 – 48). Again, since the threader pin 16 is located inside the

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hub 19A, the hub and threader pin cannot "cooperate to form a surface for receiving the magnetic tape."

For at least these reasons, Smith does not teach or suggest all the elements of independent claim 1. The dependent claims that depend from independent claim 1 are allowable for at least these reasons.

Claim 9

Claim 9 recites numerous limitations that are not taught or suggested in Smith. By way of example, claim 9 recites that the hub and the guide member "cooperate to form a surface for winding the magnetic tape" (emphasis added). As noted above in connection with claim 1, Smith does not teach or suggest that its hub 19A and threader pin 16 "cooperate to form a surface for winding the magnetic tape."

For at least these reasons, Smith does not teach or suggest all the elements of independent claim 9. The dependent claims that depend from independent claim 9 are allowable for at least these reasons.

As another example, claim 9 recites a securing mechanism to secure the guide member to the hub "such that the magnetic tape is windable onto the hub and the guide member" (emphasis added). Nowhere does Smith teach or suggest that the magnetic tape is windable onto both the hub and the guide member.

In the Office Action, the Examiner associates element 16 (i.e., the threader pin) with the claimed guide member. Smith, however, does not teach that the magnetic tape is windable onto the hub and threader pin. As shown in FIGS. 1 and 2 of Smith, the threader pin 16 enters slot 11 and stops at point 100 so the threader pin is at the axis of rotation 35 (see 5: 43 – 48). Again, since the threader pin 16 is located inside the hub 19A, the magnetic tape is not "windable onto" the hub and guide member.

For at least these reasons, Smith does not teach or suggest all the elements of independent claim 9. The dependent claims that depend from independent claim 9 are allowable for at least these reasons.

As yet another example, claim 9 recites that the magnetic tape is windable onto the hub and guide member in two different directions. Specifically, the magnetic tape is

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windable "in a first direction of rotation and a second direction of rotation while the guide member is secured to the hub." Smith does not teach or suggest these recitations.

The Office Action has not even addressed these recitations. In other words, the Office Action has not cited a single location whatsoever in Smith for teaching these recitations.

For at least these reasons, Smith does not teach or suggest all the elements of independent claim 9. The dependent claims that depend from independent claim 9 are allowable for at least these reasons.

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CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 06/01 day of February, 2006.

By 
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